

REMARKS

In this response, claims 9, 10, 18, 19, and 23-26 have been amended. Claim 31 has been added and claim 17 has been canceled. Claims 1-8 and 27-30 have previously been withdrawn. Accordingly, claims 9-16, 18-26 and 31 remain pending in the present application. Reconsideration of the above-identified patent application is hereby requested.

ELECTION/RESTRICTION

Previously, in response to the Examiner's restriction requirement as contained in the Office Action dated July 7, 2004, Applicant had elected claims 9-26, drawn to invention II, in a response filed on November 8, 2004. In addition, Applicant had elect Species D (the battery system of Fig. 29i). The Examiner has indicated in this latest Office Action that Applicant has not disclosed which claims read on the elected species D.

In response, Applicant submits that claim 14 is directed at Species D (Fig. 29i) and all other pending claims are generic as to the battery system in Species C (Fig. 10) and D (Fig. 29i). For example, with respect to the battery system of claim 13, as disclosed in the specification, the battery system of Fig. 29i "may be used in place of set of battery 1002 [of Fig. 10]. Specification, page 33, lines 1-2.

REJECTIONS UNDER 35 U.S.C. § 102(b)

The Examiner has rejected claims 9 and 13-16 under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent Application No. 2003/0029652 published to Mey-Chu Lan. (herein Lan). Specifically, the Examiner has asserted that:

"Lan '652 shows a scooter comprising a standing platform 6 supported by a fuselage (figure 5) and having a rear wheel rotatably mounted at a rear portion of the fuselage 4 with a transmission system mounted under the standing platform in the rear portion of the fuselage (figure 2), wherein the transmission system comprising a motor with a wheel engagement element being operatively coupled with the rear wheel (figure 2, column 1, line 19-20) and wherein the fuselage is tubular in shape with a U-shaped cross-section, such that a floor pan portion has a shape and the battery system comprises a battery that is shaped to conform to the shape of the floor pan and mounted in the fuselage under the standing platform.

Reconsideration and withdrawal of this rejection is requested in view of the amendments and addition made to the claims and of the following discussion.

It is axiomatic that for a reference to be anticipatory, each and every feature in the claims must be disclosed by the single reference. Lan '652 does not anticipate the features present in the currently amended claims to provide "where the motor includes a shaft, and where the motor is mounted

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so that the shaft is parallel with a longitudinal axis running from the front portion to the rear portion of the fuselage".

Applicant notes that independent claim 9 recites the above described limitation and dependent claims 13-16, by virtue of depending on these independent claims, also contain the same limitation. Therefore these claims are allowable for the same reasons as discussed above.

In view of the foregoing discussion and the amendments made to the claims, Applicant submits that the § 102(b) rejections are overcome. Thus, Applicant respectfully requests that the § 102(b) rejections be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 103

The Examiner has rejected claims 10-12 and 17-22 under 35 U.S.C. § 103 as being unpatentable over Lan in view of U.S. Patent No. 3,891,044, issued to Tiede (herein Tiede). Specifically, the Examiner asserted that:

Lan discloses a motor propelled two wheeled vehicle (scooter) having a transmission system comprising a motor and wheel engagement element operatively coupled with the rear wheel which has a sidewall and mounted under a standing platform in the rear portion of a fuselage (figure 6), but failed to disclose the wheel engagement element being a cone engaging the sidewall of the rear wheel and failed to disclose a second parallel motor and

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wheel engagement element with the motor shaft being parallel with a longitudinal axis of the fuselage

Tiede shows a motor propelled two wheeled vehicle that incorporates a transmission system having parallel motors and wheel engagement elements, wherein the motor is mounted so that the shaft is parallel with a longitudinal axis running from a front portion to a rear portion of a fuselage component and wherein the wheel engagement element is a cone shape which engages the sidewall of the wheel, where the transmission mechanism (system); as best understood, includes a hinged mechanism (figure 5, column 1) which controls the contact between the wheel engagement element and the wheel, wherein the hinged mechanism is operable by a cable to control the contact between the wheel engagement element and the wheel by normally positioning the hinged mechanism in an engaged or disengaged state (column 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the transmission system of Lan motor driven scooter with an alternative drive means to drive the wheel of the vehicle, such like the drive means as shown by Tiede parallel mounted and hinged controlled transmission system utilizing cone shaped wheel engagement elements as taught by Tiede transmission system to drive a wheel.

Applicant notes that independent claim 9 contain the "where the motor includes a shaft, and where the motor is mounted so that the shaft is parallel with a longitudinal axis running from the front portion to the rear portion of the fuselage" limitation described by Applicant with regards to the 35 U.S.C. § 102 rejection. Dependent claims 10-16, 18-26 and 31, by virtue of depending on these independent claims, also contain the same limitation. As neither Lan nor Tiede, alone or in combination, teaches or suggests this limitation, Applicant submits that these claims are allowable for the same reasons as discussed above.

In view of the foregoing discussion, Applicant submits that the § 103 rejections are overcome. Thus, Applicant respectfully requests that the § 103 rejections be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

The Examiner has rejected claims 18-22 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. In light of the Examiner's objections to the claims, Applicant has made the following amendments:

Specifically, the Examiner noted that: "Regarding claim 18, line 3, the term 'the motor' is indefinite because it is unclear which motor the applicant is referring to; i.e.; the motor cited in independent claim 9 or the second motor."

Further, the Examiner noted that: "Regarding claims 18 and 19,

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lines 1-2, the terms 'the transmission mechanism' are indefinite because it is unclear if applicant is referring to the transmission system cited in independent claim 9 or is referencing a mechanism of a transmission.

In response Applicant has amended the claims to more clearly point out and distinctly claim the subject matter which the Application regards as the invention. In view of the amendments made to the pending claims, it is believed that claims 18-22 now comply with 35 U.S.C. § 112, second paragraph. Thus, Applicant respectfully requests that the § 112, second paragraph, rejections be withdrawn.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

Respectfully submitted,

JEFFER, MANGELS, BUTLER & MARMARO LLP

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By: 

George G.C. Tseng, Esq.
Reg. No. 41,355
1900 Avenue of the Stars
Seventh Floor
Los Angeles, CA 90067-4308
(310) 203-8080
Customer No. 24,574

GCT/ehl

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